P7

Previous references.

File No 506—07

1907.

Serial Nos 1—2

(municipal)

Later references

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1— 2

Part B for May 1908

SUBJECT

Municipal Commissioner for Port Blair
need no female servants in Bangalore

1. From The Chief Secretary No 2539 dt 8-6-08 Referring the balance of Rs 4797 due to Bangalore City Municipality for the years 1903-04 & 1907-08 enquires if the adjustment thereof can be made as proposed & thence, &c

2. To do & Presidt., Bangalore Commissr No 11895-9/07 dt 15/6/08 Passes order on the above

G.E.S 58

G.R.S 11 1 1907-08

GENERAL AND REVENUE SECRETARIAT

(Mk.)

NOTES.

File No 506-07

File Heading

Municipal taxation of Government buildings used as private residences at Bangalore

From

The Chief Engineer of Mysore

No 2539 Dated 8 4 08 Received 9 4 1908

Diary No 7459	Enclos 3	Spare Copies —	Serial No 1

Brief Abstract of Letter

Referring to the balance of Rs 4797/- due by the Bangalore City Municipality on account of taxes on Government buildings used as private residences for the years 1903-04 to 1907-08 enquires (1) whether the taxes due on the buildings used free of rent by Officers of the various Depts. may be adjusted by a debit to the Depts. Concerned, the taxes ~~NOTES AND ORDERS~~ on only such buildings which rent is paid by the occupants being debited to P.W. Budget and (2) whether the claim of the Municipality is admissible as it is barred by the Law of Limitations.

Submitted as regards the 1st point the Financial Branch may be consulted

Notes—First sheet

GEB— —

(G. R. S. 12]
General and Revenue Secretariat

7459

2

ML File No. 506 of 1907

Serial No.

~~Law Dept Correspondence~~, Attention is respectfully invited to the Comptroller's letter No 6799 dated the 29th May 1908 stating that the Charges referred to should be borne by the P.W. Debtt: as part of the maintenance cost of the buildings, and the Govt: order agreeing in that view.

TXU in 1908-09

2. With reference to the 2nd point, it is submitted that the Municipality may recover the dues by means of a Civil suit, and the time allowed for such a suit is 6 years hence the Claim for the years 1903-04, and 1904-05 cannot be considered as having been barred by the Law of Limitation. It may be that even if it is barred by the Law the Government cannot fairly take shelter under the Law & decline to pay what is justly due to the Municipality.

Submitted to the Hon'ble Commissioner with draft.

6543/23-4-08/27

Draft approved 22/4/08

Approved

Secretary

Govt

Serial No 2

Govt Progs No 1389-91 dated the 8th May 1908

As regards the question which Deputy Stands pay the tax on the Govt buildings, under the Chief Engrs attention to the order of the 23rd June 1903 whereby the charge was ordered to be met out of P W Budget as part of the maintenance charges of those buildings and with reference to the other point observed that the demand for 1903-04 and 1904-05 is not barred by the Law of Limitation and that even if it were barred it would not be open for Govt to decline under that plea to pay what is otherwise payable due to the municipality and adds that the Govt cannot too strongly reprobate the Municipal Executive of the day for their latches in this matter.

No. 2539/2-3

Mysore Public Works Department,
Central Office,
Dated, Bangalore, 8th April 1908.

From,

W. Mc Kutchin Esquire, M.I.C.E.,
Chief Engineer of Mysore
BANGALORE.

To,

C.S.Balasundaram Iyer Esquire, B.A.,
Offg: Secretary to the Government
of His Highness the Maharaja of Mysore,
General and Revenue Departments,
BANGALORE.

Sir,

With reference to Government Proceedings No. Fl 1933-6/L.F. 100-98 of the 15th May 1903, passing orders in regard to the liability of all Government buildings used as private residences, to Municipal taxes, I have the honor to inform you that in December 1907, the President, Bangalore City Municipal Council, brought to my notice that a sum of Rs. 6,096-10-10 was due on account of Municipal taxes on Government buildings used as private residences in the City for the years commencing from 1903-04, as noted in the margin and that no adjustment has been made for the past 4 years though the bills were being sent regularly every year to the Executive Engineer, Bangalore Division, for payment. In reply to the enquiry as to why such a large amount was allowed to accumulate, the Executive Engineer explained that the bill for 1903-04 was received only in

1903-04	Rs.	946- 1- 8
1904-05	Rs.	1,301- 9- 8
1905-06	Rs.	1,272- 9- 6
1906-07	Rs.	1,278- 3- 1
1907-08	Rs.	1,278- 3- 1
	Rs.	6,096-10-10

Favorable

November 1907, those for 1904-05 and 1905-06 only in January 1907 and the rest in due time in the respective years.

2. Out of the sum of Rs. 6,096-10-10 claimed by the Municipality a sum of Rs. 1,278-3-1 due on account of tax for 1906-07 is reported to have been paid and adjusted - vide statement C attached, and the Executive Engineer promises to recover a further sum of Rs. 21-9-8 from Suboverseer Narasmari Rao who occupied a detached old building in the victoria Hospital compound since demolished and credit the same to the Municipality. Deducting these amounts, the balance still due is Rs. 4,797 of which Rs. 3,933 is due on account of taxes on Government buildings used free of rent by the officers of various Departments- vide statement A under Article 98 (c) of the Civil Account Code, this amount viz 3,933 should be borne by the Departments concerned The balance of Rs. 864 is due on Government buildings on which rent is paid by the occupants vide statement B. This amount is payable by the P.W.D. under para 724 of P.W.Code, Volume I It is however a question whether the municipality is entitled to the taxes for the years 1903-04 and 1904-05 as the claim is debarred by law.

3. I therefore request that you will be so good as to obtain the orders of Government on the 2 points raised above, on receipt of which necessary orders will issue for the final adjustment of the balance.

I have the honor to be

Sir, .

Your most obedicht servant,

Chief Engineer of Mysore

3

M.S 28]

File No 676-07
Serial No 9

ry No of letter replied to 7459

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT
(Mb:)

the 23d April 1908

e of issue 6-5-08

by Mr. S

READ —

Letr No 2539 dated the 8th April 1908 from the Chief Engineer of Mysore stating with reference to G O No. R 1933-6 / 27 W.O.-9 dated the 15th May 1903, that out of

ORDER THEREON —

the sum of Rs 6096-10-10 Claimed by the Municipality on account of taxes on Govt buildings used as private residences in the Bangalore City for the years commencing from 1902-03 as detailed in the margin a sum

Amount

1902-03 =	946-1-8
1903-04 =	1301-9-6
1904-05 =	1292-9-6
1905-06 =	1278-3-1
1906-07 =	1278-3-1
Total Rs	6096-10-10

of

SUBJECT

of Rs 1278-3-1 due for 1906-07
has been taken and adjusted
and that a further sum of
Rs 21-9-0 due on the building
in the Meerut Hospital will
be recovered from the Sub-
Overseer who occupied it
and requesting to be informed (1)
whether as regards the balance
of Rs 4797/- a sum of Rs 3932/-
due on Govt buildings used
free of rent by the Officers
of the various Depts may
be adjusted by a debit to
the Departments concerned
under Art. 78 (a) of the Civil
Account Code the balance
of Rs 864/- being due on
the buildings for which rent
is paid by the occupants
being debited to
the P. W. D. under para 726
of the P. W. Code vol I and
(2) whether the claim of
the

G.R. [illegible]27]

GENERAL AND REVENUE SECRETARIAT

(Continuation Sheet draft form)

T

the Municipality for the years 1903-04 & 1904-05 is admissible being as it is barred by the Law of Limitation

Orders thereon 1138741 96 5 08 mil 506-07-2

As regards the 1st point, the Chief Engineer's attention is drawn to G.O. No 17983-87 dated the 23rd June 1903 whereby Govt, agreeing with the Comptroller, directed that the charges under reference be met out of the Provincial Budget as part of the cost of maintenance of those buildings

2) With reference to the 2nd point it is observed that the claim for 1903-04 and 1904-05 is not barred by the Law of Limitation, and that even if it were barred, Govt cannot lawfully ~~hold~~ under that plea decline to pay what is otherwise justly due to the Municipality

3 At the same time the Govt cannot too strongly reprove the Municipal Executive for their laches in this matter

X

22 2741/ For Secy

To, The Chief Engineer & [illegible]

Copied

The 24 Noted [illegible] J.O. 30/6

wk 6

Statements sent out by typewriter
received today

15/8/08